

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

STATE OF ARIZONA, *et al.*,

PLAINTIFFS,

v.

MERRICK GARLAND, in his official capacity as Attorney General of the United States, *et al.*,

CIVIL ACTION NO. 6:22-cv-01130

DEFENDANTS.

**PLAINTIFF STATES' CORRECTED MOTION FOR PRELIMINARY INJUNCTION
AND TO EXPEDITE**

The States of Arizona, Louisiana, Missouri, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Mississippi, Montana, Nebraska, Oklahoma, South Carolina, Utah, West Virginia, and Wyoming (collectively, “Plaintiff States”), respectfully move for an order under Federal Rule of Civil Procedure 65 for a preliminary injunction, with expedited consideration, in their favor against the named Defendants, or alternatively, Plaintiff States request a delay in the effective date of Defendants’ Interim Final Rule (the “Asylum IFR”), 87 Fed. Reg. 18,163 (Mar. 29, 2002) pending issuance of a final judgment in this case.

As explained in the First Amended Complaint (“FAC”) and the attached Memorandum, Defendants have violated the Administrative Procedure Act, *inter alia*, because the Asylum IFR (1) is in excess of statutory authority, (2) violates the APA’s requirement of notice-and-comment rulemaking procedures, and (3) is arbitrary and capricious because, among other things, it failed to consider the harms that the Asylum IFR would inflict upon States and their reliance interests in the current asylum system and failed to consider the immigration consequences of the IFR.

This Motion is made on the grounds specified herein, the FAC and other documents on file, the accompanying Memorandum of Law, the exhibits attached to the FAC and to this Motion, all matters of which this Court may take judicial notice, and such other argument and evidence on which the Court may properly rely. Plaintiff States are substantially likely to prevail on the merits of their claims. Preliminary injunctive relief, or a delay in the IFR's effective date, is necessary to avoid substantial injuries to Plaintiff States' sovereign, quasi-sovereign, and proprietary interests. The public interest and balance of harms favor an order compelling Defendants to follow the law.

For the foregoing reasons, Plaintiff States respectfully request a preliminary injunction, without bond, enjoining Defendants from giving effect to the Asylum IFR, or alternatively, that the effective date of the Asylum IFR be delayed until final resolution of this action. To avoid irreparable harm, Plaintiff States further request that this motion be decided on an expedited basis and that it be resolved before the Asylum IFR's effective date of **May 31, 2022**.

Dated: May 13, 2022
Corrected: May 17, 2022

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